

PATENT COOPERATION TREATY

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03 FEB 2004

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

To: *K Kaeline*
~~JESSICA M. SINNOTT~~
E. I. DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
4417 LANCASTER PIKE
WILMINGTON, DE 19805

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SEP 09 2004

Date of mailing
(day/month/year)

02 SEP 2004

Applicant's or agent's file reference

SR0020PCT

☐ TO BE REVIEWED
BY ATTORNEY

IMPORTANT NOTIFICATION

International application No.

PCT/US03/25023

International filing date (day/month/year)

08 August 2003 (08.08.2003)

Priority date (day/month/year)

09 August 2002 (09.08.2002)

Applicant

E. I. DU PONT DE NEMOURS AND COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
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David W. Wu

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EEL NOTED

Form PCT/IPEA/416 (January 2004)

09 Feb 2005

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

10/523/02

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06 SEP 2004

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Applicant's or agent's file reference SR0020PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/US03/25023	International filing date (day/month/year) 08 August 2003 (08.08.2003)	Priority date (day/month/year) 09 August 2002 (09.08.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): C08F 14/18; G03C 1/73 and US Cl.: 526/250; 430/270.1		
Applicant E. I. DU PONT DE NEMOURS AND COMPANY		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand

08 March 2004 (08.03.2004)

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Date of completion of this report

25 August 2004 (25.08.2004)

Authorized officer

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US03/25023

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☒ the description:

pages 1-17 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____

☒ the claims:

pages 18-24 as originally filed/furnished
 pages* NONE as amended (together with any statement) under Article 19
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____

☐ the drawings:

pages NONE as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US03/25023**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>1-36</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-36</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-36</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-36 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the subject matter of the present invention.

Claim 1 relates to a fluorinated copolymer comprising repeating units from at least one fluoroolefin and at least one polycyclic olefin having a formula of (I), Claim 15 relates to a photoresist composition comprising the fluorocopolymer of Claim 1 and a photoactive component, while Claim 34 relates to a substrate coated with a photoresist composition of Claim 15.

Regarding the limitation of parent Claim 1, Kobo et al. has disclosed a method for the production of a fluorine-containing copolymer comprising at least one fluoroolefin and at least one cyclic unsaturated compound represented by formulas (I) and (II). As pointed out by the Applicants, the formula (II) does not disclose or suggest the claimed cyclobutane structure because it contains an at least 5-membered ring with "1" factor being an integer of 3 or more (see abstract for "1" factor). Brasen only discloses the preparation of polyfluorotricyclic alkenes having the claimed substituents as well as its conversion to polyfluorobutadienes (column 1, line 15-34; column 2, line 21-70; column 9, line 19-28 and 46-54). However, Brasen does not teach or suggest the use for copolymerization or its use related to photoresist.

Regarding the limitation of Claims 5-36, Kobo/Brasen are further silent about using the claimed fluoroalcohol or protected fluoroalcohol groups as well as applying the copolymers in the area of photoresist. Although Allen et al. may teach all the limitations of Claims 5-36 in preparing the claimed fluoropolymers for such application. However, Allen cannot fix the deficiency of Kobo and/or Brasen.

In view of the high ring strain on cyclobutane being well known in the art, a polycyclic compound having a cyclobutane ring would behave quite differently from having an at least 5-membered ring.

The key issues regarding preparing a copolymer using a polycyclic olefin having a formula of (I) which specifically relating to a cyclobutane structure cannot be overcome by any or the combination of the above references, therefore, the present invention is novel.

In conclusion, it would not be obvious to a person skilled in the art to arrive at the claimed invention with knowledge from the cited documents. In accordance with the arguments above, the invention claimed in Claims 1-36 is novel; it is considered to involve an inventive step, and it is considered to have industrial applicability.